

(7) (3) AMK

IN THE HON'BLE HIGH COURT OF CHHATTISGARH JUDICATURE
AT BILASPUR

W.P.NO. 2460 /2003. /

PETITIONER

Shiv Prasad Gupta,
aged about 38 years, son of
Shri Sarju Prasad Gupta,
resident of LI.G. 72
Shailendra Nagar, Raipur
(Chhattisgarh).

P. R. No. 2239/03
Presented by Shri. S. S. S. S.
dated 05.08.03

VERSUS

RESPONDENTS

1. Municipal Corporation
Raipur, a Body Constituted
under the Municipal
Corporation Act, 1956 at
Raipur.
2. State of Chhattisgarh,
through Secretary, Local
Self Government,
Chhattisgarh, Raipur,
D.K.S. Bhawan, Raipur
(Chhattisgarh)

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PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION
OF INDIA FOR ISSUANCE OF WRIT IN FORM OF MANDAMUS OR
IN ANY OTHER APPROPRIATE FORM THAT MAY BE DEEM
APPROPRIATE UNDER THE FACTS AND CIRCUMSTANCES OF THE
CASE OR ANY OTHER DIRECTION OR ORDER.

The Petitioner respectfully begs to submit as under:

1) PARTICULARS ABOUT THE PETITIONER :-

The particulars of the petitioner are given in
the cause title of the petition.



आदेश पत्रक

W.P. 2460/2003
मामला क्रमांक सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	30/08/2003: - Heard Shri G.S. Agrawal counsel for the petitioner. By this writ petition filed under Articles 226/227 of the Constitution of India the petitioner has prayed for issuance of a writ of mandamus commanding the respondents to record the name of the petitioner in plot No.D248 and approved the map for construction of building. The case of the petitioner is that he has purchased a plot bearing No.D248 situated in Shailendra Nagar, Raipur which comes under the authority of respondent No.1 / Raipur Development Authority. The petitioner had purchased the aforesaid plot from Kanhaiyalal Awadhiya son of Shri Gunnalal who was the lessee of the said plot of then Raipur Development Authority which has been succeeded by respondent/Authority, vide registered sale deed dated 24/11/1984 (Annexure-P/1). Kanhaiyalal Awadhiya who was the lessee of Plot No.D248 of the then Raipur Development Authority which has been succeeded by respondent, vide lease deed (Annexure-P/2) dated 06/08/1982. Under the terms and conditions of the lease Kanhaiyalal Awadhiya - the lessee was authorized to transfer the said lease granted to another person. Except that the lessee to whom the transfer is made was required to intimate the said transfer. In this case, the petitioner purchased the land from Kanhaiyalal and intimated	

[पीछे]

आदेश पत्रक

मामला क्रमांक

सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	to the then Raipur Development Authority. The predecessor in title of the petitioner had also paid the transfer fees to the erstwhile Raipur development Authority under Rule 37 of Madhya Pradesh Nagar Tatha Gram Vivesh Viksit Bhumiyan Grihon Bhawan Tatha Anya Sanrachna Ke Viniyaman Niyam, 1974. Copy of surcharge certificate has been filed by the petitioner as Annexure-P/3. The predecessor in title of the petitioner had also paid Rs.350/- as fees on 11/09/1984. The petitioner moved an application for transfer of his name and paid necessary fees on 10/10/1991. While the application of the petitioner was pending a civil suit was pending between Dr. Deepak Sharma and another with respect to the same plot with the erstwhile Raipur Development Authority about which the petitioner had no knowledge but came to know recently. Therefore, the name of the petitioner was not mutated but the petitioner came to know that respondent No.1 had compromised with the plaintiff in that suit about which the petitioner has no knowledge. The petitioner has been making effort to get his name mutated in the Municipal Corporation but he failed to get because of the arbitrary act on the part of respondent No.1. Learned counsel appearing for the petitioner submits that in spite of the repeated representations the respondent Municipal Corporation is not respecting and considering the request made by the	

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आदेश पत्रक

मामला क्रमांक सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	petitioner. The petitioner has filed latest representation on 28/05/2002. Having heard the learned counsel appearing for the petitioner and having regard to the facts and circumstances of the case, the petitioner is allowed to make a representation raising his all grievances within ten days from today to respondent No.1. On receiving the representation of the petitioner, respondent NO.1 shall consider the same within a period of thirty days from the date of receipt of the representation and pass an appropriate order and communicate to the petitioner. With the above observation, the petition is disposed of.	Sd/- L.C. Bhadoo Judge

Brajeshl-

28/05/02 10:01 AM

[पीछे देखिये]